

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figure 8. This sheet replaces the original sheet including Figure 8.

Attachment: Replacement Sheet

## REMARKS

This Response is submitted in reply to the Office Action dated May 22, 2009. Claims 1-24 are pending in this application. Claims 1-24 are rejected. In the amendment, Claims 1-3, 6, 14, and 16-24 and the drawings are amended, and Claims 25 and 26 are newly added. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit the rejections are improper and should be withdrawn.

### **Objection to Drawings**

In the Office Action, the drawings are objected to because there are two figures with the label of "Fig. 8." The drawings have been amended to overcome the objection. Accordingly, Applicants respectfully request the objection to the drawings be reconsidered and withdrawn.

### **Objection to Claims**

In the Office Action, Claims 2, 3, 6, and 17 are objected to. Claims 2, 3, 6, and 17 have been amended to overcome the objections. Accordingly, Applicants respectfully request the objections to Claims 2, 3, 6, and 17 be reconsidered and withdrawn.

### **Rejections under 35 U.S.C. 101**

In the Office Action, Claims 19-22 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19-22 and 24 have been amended to overcome the rejections. Applicants respectfully submit that Claims 19-22 and 24 are directed to statutory subject matter. Accordingly, Applicants respectfully request the 35 U.S.C. 101 rejections with respect to Claims 19-22 and 24 be reconsidered and the rejections withdrawn.

### **Rejections under 35 U.S.C. 102 and 35 U.S.C. 103**

In the Office Action, Claims 1-7, 10-13, 16, 17, 19, 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,130,525 to Iwano ("Iwano"). Claims 8, 9, 14, 15, 18, 20, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Iwano in view of U.S. Patent 7,292,781 to Ito et al. ("Ito"). Applicants respectfully traverse the rejections for at least the reasons set forth below.

For clarity, Claim 1 has been amended to recite, in part, "recording, *in the real data block*, management information of the initial regions regarding allocation to the real data for managing each of the initial regions after the real data are recorded." (Emphasis added.) Claims 14, 16, and 18-24 are similarly amended. The amendment is fully supported by the specification. For example, see paragraph [0083] of the specification.

Regarding exemplary Claim 1, the Examiner states Iwana teaches:

[T]he PRU is padded with padding blocks when there is no post recording made which is the initial state and an address LUT is recorded into the EU header, which reads on the claimed, "the real data block is recorded on the recording medium by intermittently reserving initial regions composed of free-space regions on the recording medium and recording management information of the initial regions regarding allocation to the real data for managing each of the initial regions after the real data are recorded[.]"

Office Action, page 6, lines 3-9. As understood, the Examiner equates Iwana's PRU with the claimed "real data block" and Iwana's address LUT in the EU header with the claimed "management information."

However, Iwana's address LUT in the EU header is *not* recorded in the PRU. Iwana, column 21, lines 20-58, Figs. 1(b) and 2. Claim 1 has been amended to clarify that the "management information of the initial regions regarding allocation to the real data for managing each of the initial regions" is recorded in the real data block. Applicants submit that Iwana, at a minimum, fails to disclose or suggest this element as recited in Claim 1 and similarly recited in independent Claims 14, 16, and 18-24.

Applicants respectfully submit that Ito fails to cure the deficiencies of Iwana. Accordingly, Applicants request the anticipation and obviousness rejections with respect to Claims 1, 14, 16, and 18-24 and the claims that depend thereon be reconsidered and the rejections withdrawn.

If the Examiner maintains the anticipation and/or obviousness rejections, Applicants respectfully request the examiner clarify, with respect to at least exemplary Claim 1, what specifically teaches the claimed "real data block," "initial regions composed of free-space regions," "management information of the initial regions regarding allocation to the real data for

managing each of the initial regions,” “management information block,” “lower hierarchical block of management information corresponding to each of the real data,” and “lower hierarchical block composed of management information regarding the free-space regions in the initial regions.”

### **New Claims**

Applicants further note that Claims 25 and 26 are newly added. Claims 25 and 26 recite, in part, “wherein the real data block and the management information block are at the same hierarchical level.” The amendment is fully supported by the specification. For example, see Fig. 3 of the specification.

Applicants respectfully submit that the subject matter as defined in the newly added claims is patentable over the cited art of record for at least the same reasons as discussed above, and for the additional patentable elements recited therein. For example, the Examiner states:

Iwano discloses a recording media management system that records data into units of EU and PRU, which reads on the claimed, “a file processing device for recording a file which has a format in which a plurality of real data are allocated and is formed of an real data block, in which the real data are integrated, and a management information block, in which a plurality of management information of the real data including at least information necessary to reproduce the real data allocated to the real data block are integrated in a hierarchical structure, on a recording medium[.]”

Office Action, page 5, lines 18-25. As understood, the Examiner equates Iwano’s PRU and EU with the claimed “real data block” and “management information block,” respectively. However, Iwano’s EU and PRU are not at the same hierarchical level. Instead, a PRU is included within an EU. Iwano, column 21, lines 37-41, and Figs. 1 and 2. Thus, the cited prior art fails to disclose or suggest “the real data block and the management information block are at the same hierarchical level” as claimed.

### **Conclusion**


For at least the forgoing reasons, Applicants respectfully submit the present application is in condition for allowance and earnestly solicit reconsideration of the same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-550 on the account statement.

Respectfully submitted,

K&L GATES LLP

BY

  
\_\_\_\_\_  
Thomas C. Basso  
Reg. No. 46,541  
Customer No. 29175

Dated: September 10, 2009